

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 255**

Introduced by Redfield, 12; Combs, 32; Dw. Pedersen, 39

Read first time January 10, 2005

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to state government; to amend sections
- 2 73-101.01 and 73-101.02, Reissue Revised Statutes of
- 3 Nebraska; to change bidding requirements; and to repeal
- 4 the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 73-101.01, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3                   73-101.01.   (1) When a public contract is to be awarded  
4 to the lowest responsible bidder, a resident bidder shall be  
5 allowed a preference over a nonresident bidder from a state which  
6 gives or requires a preference to bidders from that state. The  
7 preference shall be equal to the preference given or required by  
8 the state of the nonresident bidder. Resident bidder ~~as used in~~  
9 ~~sections 73-101.01 and 73-101.02 shall mean~~ means any person,  
10 partnership, foreign or domestic limited liability company,  
11 association, or foreign or domestic corporation authorized to  
12 engage in business in the State of Nebraska and which has met the  
13 residency requirement of the state of the nonresident bidder  
14 necessary for receiving the benefit of that state's preference law  
15 on the date when any bid for a public contract is first advertised  
16 or announced or has had a bona fide establishment for doing  
17 business within this state for the length of time established by  
18 the state of the nonresident bidder necessary for receiving the  
19 benefit of that state's preference law on the date when any bid for  
20 a public contract is first advertised or announced. Any contract  
21 entered into without compliance with ~~sections 73-101.01 and~~  
22 ~~73-101.02~~ this subsection shall be null and void.

23                   (2) When a public contract is to be awarded to the lowest  
24 responsible bidder, a resident bidder may be allowed a preference  
25 over a nonresident bidder from a state which does not give or  
26 require a preference to bidders from that state. If the resident  
27 bidder has a work force that is comprised of at least ninety  
28 percent Nebraska residents, it may exceed the lowest bid by not

1 more than seven percent.

2           Sec. 2.   Section 73-101.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           73-101.02.   The provisions of section 73-101.01 shall not  
5 apply to any contract for any project upon which federal funds  
6 would be withheld because of the provisions of ~~sections 73-101.01~~  
7 ~~and 73-101.02~~ such section.

8           Sec. 3.   Original sections 73-101.01 and 73-101.02,  
9 Reissue Revised Statutes of Nebraska, are repealed.